

# Exhibit 35

NEW YORK STATE THRUWAY AUTHORITY

Inter Office Memorandum

TO: The Real Property Management Committee  
FROM: Richard K. Matters, Jr.  
DATE: January 14, 1997  
SUBJECT: Policy on Fees for Thruway Occupancy Permits

Background

This policy was previously reviewed by the Committee at meeting no. 89-4, and by the Board at meeting no. 482 during which it adopted resolution no. 3776. The resolution addressed the following:

- Schedule-Based Annual Fees

Under the resolution, the continued use of the *Rate Schedule for Longitudinal Occupancy of Thruway Right-of-Way* (see Attachment I), which was originally established in 1963, was approved. One change made, however, was that the rate schedule was to be used in conjunction with a straight-line escalator of 7% per annum, which was to be applied to the unit cost of the involved area of right-of-way from the date of its acquisition to the date of issuance/renewal of the permit. Remaining unchanged as a component of the rate schedule was the rate of 4% which, when applied to the total escalated cost of the permitted portion of the right-of-way, would yield the amount of the annual rental.

- Appraisal-Based Annual Fees

The resolution also established a threshold of \$5,000, at and below which the aforesaid rate schedule would be applied and above which a consultant-prepared appraisal would be obtained. In the case of newly issued permits, the cost of a procured appraisal would be borne by the applicant, whereas appraisal costs associated with the updating of permit fees would be absorbed by the Authority. In addition, where the rate schedule was deemed inapplicable for fees at or below \$5,000, consultant-prepared appraisals could be obtained on an ad hoc basis.

- Application Fees

Also resolved was the establishment of administrative (application) fees: \$400 for longitudinal utility installations, aboveground-transverse utility installations, or non-utility (special) occupancies; and \$700 for underground-transverse utility installations.

Proposed Policy

- I. Application Fees
- II. Determination of Annual Fees
- III. Appraisal-Fee Advances
- IV. Delineation of Utility Occupancies
- V. Approval of Annual Fees
- VI. Payment of Fees
- VII. Fee Waivers
- VIII. Fee Appeals and Refunds

I. Application Fees

A. Basis:

The recoupment of permit-processing expenses by a state highway agency (the Authority) is fully sanctioned by the FHWA in accordance with the American Association of State Highway and Transportation Officials' *Highway/Utility Guide*<sup>1</sup>. Here at the Authority, such in-house, permit-processing costs for utility installations average between \$500 (for a relatively simple, suspended-overhead occupancy) and \$5,000 (for a more complex underground occupancy). Currently the Authority only defrays its soft costs under a table of one-time application fees (\$400 and \$700). This fee table however, has not been updated since 1989 and, moreover, does not adequately address all of the major categories of occupancy.

In a recent canvass of all of the major transportation authorities and agencies in the northeast, it was found that:

- the Pennsylvania Turnpike Commission recently revised its occupancy policy for utility crossings: a \$3,000 initial processing fee, with an additional \$2,000 fee paid after every ten years of occupancy;
- the Metropolitan Transportation Authority requires applicants to remit a \$5,000 retainer to cover MTA's soft costs incurred during its application process;
- the New York State Bridge Authority has a charge-back policy to occupancy-permit applicants for its actual cost of staff time expended on a project;
- the New Jersey Highway Authority charges \$250, plus 5% of the estimated construction cost of a utility installation; and
- the New York State Department of Transportation does not charge application fees for occupancy permits, only for work permits (NYSDOT doesn't issue occupancy permits for transversal utility installations, something the Authority spends a great deal of time administering).

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<sup>1</sup> 23 CFR 645.211

In general, I have noted that state departments of transportation are more constrained than public transportation authorities, statutorily or otherwise, in their right to receive compensation for the use of their rights-of-way.

The state's most recent regulatory reform posture, as outlined in Governor Pataki's Executive Order dated November 13, 1995, was taken into consideration during the formulation of the proposed application fees. To that end, the proposed application fees (and, for that matter, those existing) require rulemaking pursuant to the state Administrative Procedures Act; the Legal Department has confirmed this. This is due to the fees being \$100 or more each, as well as the aggregate of such fees received by the Authority being more than \$1,000 per year. Accordingly, it is appropriate to incorporate the table of fees within the Authority's official rules and regulations that deal with *Use and Occupancy of the Thruway System*<sup>2</sup>.

Therefore, in consideration of the foregoing facts, a revised table of minimum, nonrefundable application fees is recommended as follows:

B. Fee Table:

1. Recurring-revenue permits:
  - \$750 - longitudinal utility occupancies
  - \$750 - special (non-utility) occupancies
2. Nonrecurring-revenue permits (transversal utility occupancies):
  - \$750 - underground
  - \$750 - suspended bridge conduit
  - \$750 - suspended overhead
3. Permit amendments (per permit charges):
  - \$ 25 - nominal (name/address change)
  - \$250 - moderate (routine engineering and/or administrative analysis/review)
  - \$500 - comprehensive (extensive engineering and/or administrative analysis/review)

The rationale for setting an across-the-board fee of \$750 for nonrecurring-revenue permits, is premised upon a two-fold goal: a fee that increases from a suspended-overhead occupancy to an underground occupancy, since in-house review costs are more for the latter; and a fee that decreases from a suspended-overhead occupancy to an underground occupancy, since it is also the objective of the Department of Maintenance and Engineering to discourage the former. Because the objective of defraying actual review costs, clashes with the objective of

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<sup>2</sup> 21 NYCRR 100-107

encouraging underground installations, a level fee table was deemed appropriate.

## II. Determination of Annual Fees

### A. Utility Occupancies:

#### 1. Longitudinal:

Annual fees should continue to be charged for longitudinal utility occupancies. Such occupancies represent a premium use of the Authority's right-of-way in that they greatly reduce the number of adjoining property owners with whom utility companies have to deal in order to secure property rights.

#### 2. Transversal:

The Legal Department had recently rendered an opinion that the Authority has the technical grounds upon which to defend a policy to annually charge, across-the-board, for transversal utility occupancies. Although the Canal Corporation has a well-rooted history for implementing such charges, it is not recommended at this time that an in-kind policy be adopted for Thruway occupancies [except as provided in Part II.A.2.(a) hereinbelow].

##### (a) Voluntary Payment of an Annual Fee:

It is the policy of Maintenance and Engineering to require a utility company to transversely install underground as a first resort in order to minimize adverse impacts to the Authority's right-of-way (see Attachment II). However, an applicant would be allowed, if engineeringly feasible, to install via suspended overhead or within a suspended bridge conduit if it agrees to pay an annual fee at the same rate normally charged for a longitudinal occupancy. The premise is that annual fees for transversal utility occupancies would be charged only in instances where a utility company voluntarily agrees to pay an annual fee in lieu of incurring the presumably higher costs of installing underground. However, if the Chief Engineer can verify that an applicant has no other feasible means by which to transversely install, then no annual fee would be imposed for the non-underground installation.

Initially, the voluntary-payment policy would be applicable only for newly permitted occupancies (new construction or existing, previously unpermitted occupancies that were discovered), or modifications thereto. Existing occupancies would be grandfathered in provisionally, until

Local department opinion  
on changing recurring  
fees for transverse  
permits

Transverse is free?  
if underground?

they become the subject of an application for a permit modification.

3. Rate Schedule:

Use of the existing rate schedule (Attachment I), should be discontinued. It was, at best, marginally reliable when first instituted, and is now a completely antiquated and unreliable means by which to estimate value. It bears no relevance to current market value, regardless of the escalatory basis applied (fixed rate, such as 7%, or CPI), and becomes even more tenuous as a fee basis when a conversion is made to a bona-fide appraisal.

In its place, utilize a new rate schedule (see Attachment III, *Schedule of Annual-fee Rates for Utility Occupancy Permits*), which represents a vast improvement in three respects:

- a more accurate reflection of market value;
- a more equitable fee determination for any given utility occupancy, based upon a refined segmentation of the Thruway into milepost intervals; and
- faster and easier fee determinations when used in conjunction with the corridor-width methodology (described below in Part IV).

The rates contained in the new schedule are based upon 5% of market value for "all types" of utility facilities, except those for "above-ground pipeline" facilities which are based upon 10%. Both classes of rates are consistent with the Canal rules and regulations, and would be updated by the Secretary every five years. To determine an annual fee for any given facility, calculate the square-foot area of the corridor (length x width), then multiply it by the appropriate rate.

B. Special (non-utility) Occupancies:

For all such occupancies, which typically include parceled areas used for parking and/or storage, the Secretary would conduct an in-house valuation as the basis for an annual fee up to \$5,000; for fees of \$5,000 or more, a consultant-prepared appraisal would be obtained. The annual fee would be based upon 10% of appraised value.

C. Fee-Update Period:

Observe "five years" as the standard interval for updating annual fees for existing occupancy permits, the Table of Application Fees, and the Rate Schedule.

The actual review date for any given annual fee would vary depending upon the effective date of the permit.

Allow the assignment of a different interval, on an ad hoc basis, if it is in the Authority's best interest to do so.

### III. Appraisal-Fee Advances

For newly issued or revaluated (recurring-revenue) permits, require an advance of 100%, whereby the first year's fee is reduced by the amount of the advance.

The underlying rationale is that by requiring the applicant to merely advance (versus paying) the appraisal costs, the Authority retains the proprietary rights (and, thus, exclusive privity) to the report(s), thereby diminishing any controversy over the basis of fee establishment. An advance discourages frivolous applications, and also serves to offset a larger portion of our appraisal costs in the event an application is withdrawn.

### IV. Delineation of Utility Occupancies

Up until now, corridor widths have been undefined and, therefore, inconsistently applied. Such inconsistencies make the valuation process, as well as fee appeals, more difficult for the Authority to handle.

Therefore, employ the corridor-width methodology currently adopted in the rules and regulations for Canal permits<sup>3</sup> (see Attachment IV), thereby establishing consistent corridor widths in accordance with the type of facility being permitted. Such a methodology would establish corridor widths for valualational purposes only and would not broaden the permitted use.

### V. Approval of Fees

At meeting no. 95-4 (see Attachment V), the Committee elected to delegate more of its routine functions, thereby expediting such functions while allowing more time and attention for more involved issues. The following accomplishes this:

#### A. Application Fees:

Any application fee recommended to be charged above the minimum, would be brought before the Supervisor of Real Property Management for approval. Any recommendation to charge an annual fee in addition to the application fee for a nonrecurring-revenue permit, would be brought before the Director of Investments and Asset Management for approval. Either such recommendation would originate from the Division Director, with the concurrence of the Chief Engineer for Maintenance Engineering.

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<sup>3</sup> 17 NYCRR 56.4(b) (2 & 3)



B. Annual Fees:

Annuals fees below \$5,000, as recommended by the Secretary, would be approved by the Supervisor of Real Property Management; and at or above \$5,000, as recommended by the Secretary with the concurrence of the Supervisor of Real Property Management, would be approved by the Director of Investments and Asset Management. Both scheduled-based as well as appraisal-based fees would be subject to such approval. The five-year update of the Rate Schedule, following its review by the Supervisor of Real Property Management, would be approved by the Director of Investments and Asset Management.

C. Table of Application Fees and Rate Schedule:

Periodic updating of these items, as conducted by the Secretary and reviewed by the Supervisor of Real Property Management, would be approved by the Director of Investments and Asset Management.

VI. Payment of Fees

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A. Payment Prior to Issuance:

No occupancy permit would be issued until the Authority has received payment of the application fee and, if applicable, the first year's annual fee.

B. Security Deposit:

No recurring-revenue occupancy permit would be issued until the Authority has received payment of a security deposit equal to the amount of the annual fee, which will be used to offset any payment delinquency or unfulfilled property restoration.

VII. Fee Waivers (full or partial)

When there is a demonstrable offsetting benefit to the Authority (see Attachment VI), fee waivers should continue to be sequentially routed as follows:

- recommended by the respective Division Director;
- concurrence by the Chief Engineer for Maintenance and Engineering;
- concurrence by the Committee; and
- approval by the Executive Director.

If no benefit can be arranged or demonstrated, then no waiver should be recommended. In the case of a municipality, a reciprocal fee waiver or use of a utility service at a reduced charge could be considered equitable offsetting benefits. Nonmonetary, offsetting benefits may also be considered, if adequately justified. For your information, the state DOT advises that they rarely, if ever, waives annual or application fees.

VIII. Fee Appeals and Refunds

A. Fee Appeals:

For contested fees below \$5,000, the initial appeal would be decided by the Director of Investments and Asset Management and the final appeal by the Director of Thruway Finance. For contested fees at or above \$5,000, the initial appeal would be decided by the Director of Thruway Finance and the final appeal by the Committee. The premise is that the appeal point should be different from the approval point, and that the final appeal point should be the nine-member Committee.

B. Refunds:

In the event a permit is terminated before the end of an annual-fee period, either by the Authority or by a permittee, a pro-rata refund shall be made, providing a fee retention is not invoked by the Authority under Part VI.B. hereinabove.

**DRAFT**

Committee Secretary

RKM:dcm  
Attachments (6)

|               |                 |                  |
|---------------|-----------------|------------------|
| Distribution: | Mr. J. Baniak   | Mr. K. Giles     |
|               | Mr. M. Behrmann | Ms. S. Kupferman |
|               | Mr. L. DeCosmo  | Ms. S. O'Connor  |
|               | Mr. G. DeLuca   | Mr. M. Zimmerman |
|               | Mr. L. DePrima  |                  |

NEW YORK STATE THRUWAY AUTHORITY  
RATE SCHEDULE FOR  
LONGITUDINAL OCCUPANCY OF THRUWAY RIGHT-OF-WAY

ATTACHMENT I

| Section                       | Miles | Right-of-Way Cost |                 |
|-------------------------------|-------|-------------------|-----------------|
|                               |       | Per Mile          | Per Linear Foot |
| New York to Buffalo Section:  |       |                   |                 |
| N.Y.C. Line to Tuckahoe Rd -  |       |                   |                 |
| M.P. 0.00 - M.P. 4            | 4     | \$1,993,286       | \$ 377.52       |
| Tuckahoe Rd to Nyack (Rte 59) |       |                   |                 |
| M.P. 4 - M.P. 17.5            | *10.5 | 761,281           | 144.18          |
| Nyack (Rte 59) to Suffern -   |       |                   |                 |
| M.P. 17.5 - M.P. 30           | 12.5  | 344,984           | 65.34           |
| M.P. 30 - M.P. 141            | 111   | 177,818           | 33.68           |
| M.P. 141 - M.P. 147           | 6     | 241,266           | 45.69           |
| M.P. 147 - M.P. 228           | 81    | 156,347           | 29.61           |
| M.P. 228 - M.P. 238           | 10    | 140,810           | 26.67           |
| M.P. 238 - M.P. 273           | 35    | 39,353            | 7.45            |
| M.P. 273 - M.P. 282           | 9     | 122,892           | 23.28           |
| M.P. 282 - M.P. 404           | 122   | 80,283            | 15.21           |
| M.P. 404 - M.P. 426           | 22    | 183,229           | 34.70           |

Erie Section:

~~Triple Interchange to Pennsylvania Line~~

|                     |    |        |       |
|---------------------|----|--------|-------|
| M.P. 426 - M.P. 496 | 70 | 74,776 | 14.16 |
|---------------------|----|--------|-------|

Niagara Section:

Triple Interchange to South Grand  
Island Bridge -

|                         |    |            |        |
|-------------------------|----|------------|--------|
| M.P. N-0.00 - M.P. N-14 | 14 | 1,194,6681 | 226.26 |
|-------------------------|----|------------|--------|

Across Grand Island -

|                       |   |        |       |
|-----------------------|---|--------|-------|
| M.P. N-15 - M.P. N-20 | 5 | 84,641 | 16.03 |
|-----------------------|---|--------|-------|

Berkshire Section:

|    |        |      |
|----|--------|------|
| 24 | 45,147 | 8.55 |
|----|--------|------|

New England Section:

|    |           |        |
|----|-----------|--------|
| 15 | 1,022,518 | 193.66 |
|----|-----------|--------|

\*Excludes Tappan Zee Bridge.

FORMULAE

PERMANENT EASEMENT

- Lp = Lump Sum Payment per linear foot  
W = Right-of-Way Width Determined to be Necessary  
A = Average Width of Right-of-Way at requested location  
C = Cost of Right-of-Way per linear foot (Rate Schedule).

$$Lp = W \frac{C}{A}$$

REVOCABLE PERMIT

- R = Yearly Rate per linear foot  
Lp = Lump Sum Payment per linear foot (Permanent Easement formula)

$$R = .04 Lp$$

NEW YORK STATE THRUWAY AUTHORITY  
RATE SCHEDULE FOR  
LONGITUDINAL OCCUPANCY OF THRUWAY RIGHT-OF-WAY

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New England Section:

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\*Excludes Tappan Zee Bridge

FORMULAE

PERMANENT EASEMENT

Lp = Lump Sum Payment per linear foot

W = Right-of-Way Width Determined to be Necessary

A = Average Width of Right-of-Way at requested location

C = Cost of Right-of-Way per linear foot (Rate Schedule)

$$Lp = W \frac{C}{A}$$

REVOCABLE PERMIT

R = Yearly Rate per linear foot

Lp = Lump Sum Payment per linear foot (Permanent Easement formula)

$$R = .04 Lp$$

NEW YORK STATE THRUWAY AUTHORITY

Inter Office Memorandum

ATTACHMENT II

TO: Mr. F. P. Clark DATE: March 11, 1996  
Attn: Mr. R. K. Matters

FROM: Mr. L. J. DePrima SUBJECT: Request for RPMC Approval

In the interest of providing enhanced services and improved safety to our patrons, while simultaneously continuing to accommodate utility installations, the Department of Maintenance and Engineering has, for the past year, been advocating that all new utility installations crossing the Thruway be required to be installed underground as opposed to strung overhead or attached to bridges.

The Department of Maintenance and Engineering requests that the Real Property Management Committee adopt as policy that all new utility crossings be placed underground where feasible. This includes replacement or upgrading of existing overhead utility crossings. In addition, it is requested that the RPMC endorse back charging utilities for the expenses incurred by the Authority in responding to incidents caused by overhead utility crossings. In recent years, the Authority has experienced approximately 60 annual events of overhead utility lines falling onto Thruway ROW resulting in considerable expense to the Authority for response and traffic control. While the authority exists in the Occupancy Permits to backcharge for these expenses an endorsement by the Committee is requested to insure consistent application of the policy in all Divisions.

  
LEONARD J. DEPRIMA  
CHIEF ENGINEER

LJD:DGM:ea

cc: Mr. R. Mehta  
Mr. P. Poirier  
Mr. J. Meldrim  
Mr. W. Leslie  
Mr. G. Tanner  
Mr. D. Bell  
Mr. D. Dodds  
Mr. G. DeLuca  
Ms. S. O'Connor

New York State Thruway Authority  
 Department of Finance & Accounts  
 Bureau of Real Property Management  
 ANNUAL-FEE RATES FOR UTILITY OCCUPANCY PERMITS

*Transverse Schedule  
 of Occupancy Permits  
 Fee Schedule*

Ending Division      Dollars Per      Dollars Per  
 Milepost.      Square-Foot      Square-Foot  
                  All Facilities      \*Aboveground  
                  (except \*)      Pipelines

|     |       |            |        |        |
|-----|-------|------------|--------|--------|
|     |       | 0.94 A     | 0.0014 | 0.0028 |
|     |       | 8.67 A     | 0.0039 | 0.0079 |
|     |       | 8.94 A     | 0.0013 | 0.0026 |
| D   | 8.94  | 16.83 A    | 0.0034 | 0.0067 |
| B   | 16.83 | 24.28 A    | 0.0030 | 0.0060 |
| CW  | 0.00  | 3.46 NY    | 0.1003 | 0.2006 |
| CW  | 3.46  | 5.73 NY    | 0.1973 | 0.3946 |
| CW  | 5.73  | 9.55 NY    | 0.0658 | 0.1316 |
| CW  | 9.55  | 10.34 NY   | 0.2604 | 0.5208 |
| CW  | 10.34 | 10.75 NY   | 0.2785 | 0.5571 |
| GS  | 0.00  | 2.40 NY    | 0.1329 | 0.2658 |
| I84 | 0.00  | 0.10 NY    | 0.0335 | 0.0670 |
| I84 | 0.10  | 2.32 NY    | 0.0023 | 0.0047 |
| I84 | 2.32  | 9.63 NY    | 0.0040 | 0.0079 |
| I84 | 9.63  | 17.51 NY   | 0.0070 | 0.0140 |
| I84 | 17.51 | 24.69 NY   | 0.0105 | 0.0210 |
| I84 | 24.69 | 31.42 NY   | 0.0109 | 0.0219 |
| I84 | 31.42 | 32.01 NY   | 0.0179 | 0.0358 |
| I84 | 32.01 | 32.72 NY   | 0.0109 | 0.0219 |
| I84 | 32.72 | 37.98 NY   | 0.0140 | 0.0279 |
| I84 | 37.98 | 38.30 NY   | 0.0715 | 0.1429 |
| I84 | 38.30 | 40.43 NY   | 0.0140 | 0.0279 |
| I84 | 40.43 | 41.31 NY   | 0.0568 | 0.1136 |
| I84 | 41.31 | 48.28 NY   | 0.0161 | 0.0321 |
| I84 | 48.28 | 58.49 NY   | 0.0095 | 0.0190 |
| I84 | 58.49 | 61.68 NY   | 0.0113 | 0.0226 |
| I84 | 61.68 | 64.21 NY   | 0.0095 | 0.0190 |
| I84 | 64.21 | 71.46 NY   | 0.0230 | 0.0460 |
| ML  | 0.00  | 5.95 NY    | 0.3346 | 0.6691 |
| ML  | 5.95  | 14.68 NY   | 0.1003 | 0.2006 |
| ML  | 14.68 | 17.68 NY   | 0.0850 | 0.1700 |
| ML  | 17.68 | 23.41 NY   | 0.0793 | 0.1586 |
| ML  | 23.41 | 35.27 NY   | 0.1329 | 0.2658 |
| ML  | 35.27 | 43.25 NY   | 0.0073 | 0.0146 |
| ML  | 43.25 | 51.12 NY   | 0.0081 | 0.0162 |
| ML  | 51.12 | 55.80 NY   | 0.0132 | 0.0265 |
| ML  | 55.80 | 59.23 NY   | 0.0179 | 0.0358 |
| ML  | 59.23 | 66.46 NY   | 0.0140 | 0.0279 |
| ML  | 66.46 | 72.55 NY   | 0.0068 | 0.0136 |
| ML  | 72.55 | 73.24 NY   | 0.0083 | 0.0166 |
| ML  | 73.24 | 80.75 NY/A | 0.0108 | 0.0215 |
| ML  | 80.75 | 81.76 A    | 0.0057 | 0.0114 |
| ML  | 81.76 | 87.72 A    | 0.0045 | 0.0091 |
| ML  | 87.72 | 90.16 A    | 0.0126 | 0.0253 |
| ML  | 90.16 | 91.00 A    | 0.0583 | 0.1165 |

New York State Thruway Authority  
Department of Finance & Accounts  
Bureau of Real Property Management  
SCHEDULE OF ANNUAL-FEE RATES FOR UTILITY OCCUPANCY PERMITS

| Section Beginning<br>Milepost | Ending<br>Milepost | Division | Dollars Per<br>Square-Foot<br>All Facilities<br>(except *) | Dollars Per<br>Square-Foot<br>*Aboveground<br>Pipelines |
|-------------------------------|--------------------|----------|--|---|
|-------------------------------|--------------------|----------|--|---|

|    |        |            |        |        |
|----|--------|------------|--------|--------|
| ML | 91.00  | 96.69 A    | 0.0126 | 0.0253 |
| ML | 96.69  | 105.79 A   | 0.0084 | 0.0168 |
| ML | 105.79 | 114.01 A   | 0.0037 | 0.0074 |
| ML | 114.01 | 118.33 A   | 0.0040 | 0.0080 |
| ML | 118.33 | 123.34 A   | 0.0022 | 0.0045 |
| ML | 123.34 | 129.63 A   | 0.0008 | 0.0016 |
| ML | 129.63 | 134.14 A   | 0.0014 | 0.0028 |
| ML | 134.14 | 141.36 A   | 0.0169 | 0.0337 |
| ML | 141.36 | 145.03 A   | 0.1691 | 0.3381 |
| ML | 145.03 | 145.89 A   | 0.0169 | 0.0337 |
| ML | 145.89 | 147.31 A   | 0.0158 | 0.0316 |
| ML | 147.31 | 150.09 A   | 0.1691 | 0.3381 |
| ML | 150.09 | 154.50 A   | 0.0158 | 0.0316 |
| ML | 154.50 | 167.54 A   | 0.0038 | 0.0075 |
| ML | 167.54 | 167.84 A   | 0.0014 | 0.0028 |
| ML | 167.84 | 173.34 A   | 0.0008 | 0.0017 |
| ML | 173.34 | 174.18 A   | 0.0195 | 0.0389 |
| ML | 174.18 | 177.84 A   | 0.0008 | 0.0017 |
| ML | 177.84 | 185.98 A   | 0.0011 | 0.0021 |
| ML | 185.98 | 191.75 A   | 0.0006 | 0.0013 |
| ML | 191.75 | 197.54 A   | 0.0008 | 0.0015 |
| ML | 197.54 | 206.37 A/S | 0.0010 | 0.0019 |
| ML | 206.37 | 212.83 S   | 0.0011 | 0.0023 |
| ML | 212.83 | 215.83 S   | 0.0009 | 0.0018 |
| ML | 215.83 | 219.32 S   | 0.0033 | 0.0065 |
| ML | 219.32 | 223.27 S   | 0.0064 | 0.0129 |
| ML | 223.27 | 231.00 S   | 0.0019 | 0.0038 |
| ML | 231.00 | 234.50 S   | 0.0396 | 0.0793 |
| ML | 234.50 | 237.46 S   | 0.0030 | 0.0060 |
| ML | 237.46 | 242.20 S   | 0.0107 | 0.0213 |
| ML | 242.20 | 249.17 S   | 0.0017 | 0.0033 |
| ML | 249.17 | 256.43 S   | 0.0025 | 0.0051 |
| ML | 256.43 | 259.22 S   | 0.0047 | 0.0095 |
| ML | 259.22 | 264.60 S   | 0.0038 | 0.0075 |
| ML | 264.60 | 273.17 S   | 0.0028 | 0.0056 |
| ML | 273.17 | 276.44 S   | 0.0132 | 0.0264 |
| ML | 276.44 | 280.31 S   | 0.0268 | 0.0536 |
| ML | 280.31 | 287.22 S   | 0.0361 | 0.0721 |
| ML | 287.22 | 288.53 S   | 0.0295 | 0.0589 |
| ML | 288.53 | 295.51 S   | 0.0039 | 0.0077 |
| ML | 295.51 | 300.65 S   | 0.0018 | 0.0035 |
| ML | 300.65 | 306.11 S   | 0.0020 | 0.0040 |
| ML | 306.11 | 310.11 S   | 0.0010 | 0.0021 |
| ML | 310.11 | 313.29 S   | 0.0007 | 0.0014 |
| ML | 313.29 | 320.57 S   | 0.0009 | 0.0018 |

New York State Thruway Authority  
Department of Finance & Accounts  
Bureau of Real Property Management  
SCHEDULE OF ANNUAL-FEE RATES FOR UTILITY OCCUPANCY PERMITS

Section Beginning Ending Division Dollars Per Dollars Per  
Milepost Milepost Square-Foot Square-Foot  
All Facilities \*Aboveground  
(except \*) Pipelines

|    |        |        |     |        |        |
|----|--------|--------|-----|--------|--------|
| ML | 320.57 | 326.17 | S   | 0.0011 | 0.0023 |
| ML | 326.17 | 335.02 | S   | 0.0011 | 0.0023 |
| ML | 335.02 | 340.84 | S   | 0.0028 | 0.0056 |
| ML | 340.84 | 347.31 | S   | 0.0050 | 0.0100 |
| ML | 347.31 | 353.42 | S/B | 0.0077 | 0.0153 |
| ML | 353.42 | 355.74 | B   | 0.0065 | 0.0130 |
| ML | 355.74 | 358.78 | B   | 0.0443 | 0.0886 |
| ML | 358.78 | 366.27 | B   | 0.0067 | 0.0135 |
| ML | 366.27 | 370.64 | B   | 0.0124 | 0.0248 |
| ML | 370.64 | 375.51 | B   | 0.0030 | 0.0060 |
| ML | 375.51 | 382.13 | B   | 0.0017 | 0.0035 |
| ML | 382.13 | 387.44 | B   | 0.0012 | 0.0023 |
| ML | 387.44 | 396.25 | B   | 0.0017 | 0.0034 |
| ML | 396.25 | 404.65 | B   | 0.0012 | 0.0024 |
| ML | 404.65 | 410.78 | B   | 0.0022 | 0.0045 |
| ML | 410.78 | 411.61 | B   | 0.0105 | 0.0211 |
| ML | 411.61 | 416.94 | B   | 0.0129 | 0.0258 |
| ML | 416.94 | 418.35 | B   | 0.0464 | 0.0928 |
| ML | 418.35 | 418.73 | B   | 0.0458 | 0.0916 |
| ML | 418.73 | 418.98 | B   | 0.0464 | 0.0928 |
| ML | 418.98 | 420.40 | B   | 0.0458 | 0.0916 |
| ML | 420.40 | 426.43 | B   | 0.0464 | 0.0928 |
| ML | 426.43 | 430.64 | B   | 0.0276 | 0.0551 |
| ML | 430.64 | 431.62 | B   | 0.0312 | 0.0624 |
| ML | 431.62 | 441.79 | B   | 0.0146 | 0.0292 |
| ML | 441.79 | 443.24 | B   | 0.0027 | 0.0053 |
| ML | 443.24 | 449.50 | B   | 0.0054 | 0.0108 |
| ML | 449.50 | 454.39 | B   | 0.0018 | 0.0036 |
| ML | 454.39 | 460.20 | B   | 0.0025 | 0.0050 |
| ML | 460.20 | 467.15 | B   | 0.0012 | 0.0025 |
| ML | 467.15 | 468.69 | B   | 0.0049 | 0.0097 |
| ML | 468.69 | 469.46 | B   | 0.0229 | 0.0459 |
| ML | 469.46 | 470.61 | B   | 0.0049 | 0.0097 |
| ML | 470.61 | 474.57 | B   | 0.0035 | 0.0069 |
| ML | 474.57 | 481.73 | B   | 0.0018 | 0.0037 |
| ML | 481.73 | 488.94 | B   | 0.0018 | 0.0035 |
| ML | 488.94 | 496.00 | B   | 0.0009 | 0.0018 |
| N  | 0.00   | 0.62   | B   | 0.0464 | 0.0928 |
| N  | 0.62   | 10.80  | B   | 0.0568 | 0.1137 |
| N  | 10.80  | 14.73  | B   | 0.0573 | 0.1146 |
| N  | 14.73  | 20.75  | B   | 0.0125 | 0.0251 |
| N  | 20.75  | 21.50  | B   | 0.0209 | 0.0419 |
| NE | 0.17   | 3.53   | NY  | 0.4451 | 0.8902 |
| NE | 3.53   | 4.28   | NY  | 0.2421 | 0.4842 |
| NE | 4.28   | 7.17   | NY  | 0.2187 | 0.4375 |



New York State Thruway Authority  
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SCHEDULE OF ANNUAL-FEE RATES FOR UTILITY OCCUPANCY PERMITS

| Section | Beginning<br>Milepost | Ending<br>Milepost. | Division | Dollars Per<br>Square-Foot<br>All Facilities<br>(except *) | Dollars Per<br>Square-Foot<br>*Aboveground<br>Pipelines |
|---------|-----------------------|---------------------|----------|--|---|
| NE      | 7.17                  | 10.38               | NY       | 0.3234   | 0.6468  |
| NE      | 10.38                 | 12.07               | NY       | 0.0658   | 0.1316  |
| NE      | 12.07                 | 14.42               | NY       | 0.2785   | 0.5571  |
| NE      | -                     | 14.42               | 15.01 NY | 0.2604   | 0.5208  |

CHAPTER II BARGE CANAL SYSTEM

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(2) Powerline, telephone and other communication crossings. (i) Aboveground crossings. The annual permit fees for aboveground powerline, telephone and other communication crossings will be based on 50 percent of the occupied property's fair market rental value as determined by the department's real estate division. The area necessary to accommodate the crossings will be computed by multiplying the required width of the corridor by the length of the corridor as measured along its centerline. The required corridor widths will vary based on the size and type of the bearing structure and the capacity of the transmission line. The minimum prescribed corridor widths are as follows:

| <i>Powerline voltage</i>   | <i>Minimum prescribed corridor width</i> |
|--|--|
| 765kv  | 250 feet                                 |
| 500kv  | 175 feet                                 |
| 230 to 345kv   | 150 feet                                 |
| 115 to 138kv   | 100 feet                                 |
| 34.5 to 69kv   | 50 feet                                  |
| 23kv or less (includes telephone or other communication crossings) | 25 feet                                  |

The corridor width of a multiline crossing will be determined by taking one-half the prescribed corridor width for each outside line and adding it to the distance between them. In no case shall the total corridor width be less than the required width for the powerline having the greatest voltage capacity. If more than one transmission line is attached to the same bearing structure, the corridor width will be that required for the transmission line with the greatest voltage capacity. The annual permit fee will be computed by multiplying the corridor area by 50 percent of the property's fair market rental value. If the area within the corridor is over water, it will be appraised using the value of adjoining canal upland.

(ii) Underground crossings. The annual permit fee for underground powerline, telephone and other communication crossings will be computed in the same manner as aboveground, except the corridor width will be a minimum 25 feet regardless of the line's voltage capacity.

(3) Pipeline crossings. (i) Aboveground (at grade). The annual permit fees for all aboveground pipelines will be based on 100 percent of the occupied property's fair market rental value as determined by the department's real estate division. The area which is required to accommodate an aboveground pipeline crossing will be computed by multiplying the length of the pipeline by a 25-foot minimum corridor width.

(ii) Underground. The annual permit fee for an underground pipeline crossing will be based on 50 percent of the occupied property's fair market rental value as determined by the department's real estate division. The area which is required to accommodate the underground crossing will be computed by multiplying the prescribed corridor width times the length of the pipeline. The minimum prescribed corridor widths for underground pipelines are as follows:

| <i>Pipeline diameter</i> | <i>Minimum prescribed corridor width</i> |
|--------------------------|--|
| Under 8 inches           | 15 feet                                  |
| 8 inches or more         | 25 feet                                  |

~~(4) Vendors. For temporary or periodic occupancy, \$2 per day; \$50 minimum fee; \$250 per year.~~

(5) Water usage. The fee will be based on a review of comparable prices of water available in the geographic area but will not exceed two percent of the cost per gallon charged by the nearest potable municipal water supplier.

~~(6) For uses not specified in this subdivision, the fee will be based on all relevant factors, such as nature and extent of use of canal property.~~